

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

I N D E X

<u>Witnesses:</u>	<u>Direct</u>	<u>Cross</u>	<u>Re-</u> <u>direct</u>	<u>Re-</u> <u>cross</u>	<u>By</u> <u>Examiner</u>
NONE					

E X H I B I T S

<u>Number</u>	<u>For Identification</u>	<u>In Evidence</u>
	NONE	

1 ADMINISTRATIVE LAW JUDGE HALOULOS: Pursuant to
2 the authority of the Illinois Commerce Commission, I
3 now call Docket No. 06-0618, Illinois Commerce
4 Commission on its own motion versus Alton P.H.
5 Brewer, doing business as ALCAR Communication
6 Services for citation for failure to file annual
7 reports.

8 Can the parties please state their
9 names and addresses for the record.

10 MR. BREWER: Alton Brewer, also Alton P.H.
11 Brewer, Junior, doing business as ALCAR Communication
12 Services, address 9925 South Road, Fairview Heights,
13 Illinois 62208.

14 MR. ALLEN: And this is Brian Allen with OGC of
15 the Illinois Commerce Commission, 527 East Capitol
16 Avenue, Springfield, Illinois 62701.

17 ADMINISTRATIVE LAW JUDGE HALOULOS: Okay.
18 Before we go any further, Mr. Brewer, you apparently
19 are no longer doing business, or you mentioned
20 something of that nature.

21 MR. BREWER: I have never done business in
22 Illinois. What happened was I applied for a

1 certificate to operate in August of 1997; received it
2 thereafter probably November or October.

3 Telephone -- or dialing cards and cell
4 phones came into being and negated me putting any
5 coin-operated telephones out. So I never did any
6 business.

7 About two years ago, I started to try
8 to get rid of my certificate. And about that time, a
9 case came up where a group of small operators were
10 involved in being decertified, and I don't know what
11 happened to that case; but in the process, I
12 communicated with the Illinois Commerce Commission,
13 Mrs. Rolando's office. I thought it was
14 Mrs. Rolando's office, and asked that my certificate
15 be removed and all correspondences and so forth stop
16 coming to me.

17 And with whomever I talked to said,
18 we'll take care of that. And that's the last I heard
19 of it. Then this report came to me with copy -- a
20 cover letter and a copy to be returned, this report
21 in question.

22 I have the cover letter in my files in

1 my residence. The report itself, the papers to the
2 report were not there. And it's my practice to file
3 the cover letter after I send the report in. So I
4 assumed that that report was mailed in in probably
5 February of 2006 or the year 2005.

6 Later, I received a communication from
7 someone in the -- in Mrs. Rolando's office saying
8 they had not received the report. So I asked them to
9 send me another copy and I would return it, which I
10 did; and, apparently, they didn't get that one
11 either.

12 I was surprised to receive this docket
13 notice; and in discussing this with Mrs. Rolando, I
14 asked that I -- do whatever is necessary to get my
15 certificate removed because my business is dormant,
16 was never activated really. All I did was receive a
17 certificate to operate and never used it.

18 ADMINISTRATIVE LAW JUDGE HALOULOS: Right. All
19 right. So you are -- well, there's two separate
20 things going on here. The first is, you didn't
21 fail -- or did you fail to, you know, file the annual
22 report; but you're saying that you want your

1 certificate rescinded because you're not doing
2 business, you're not doing anything with the
3 certificate. What you -- pardon me?

4 MR. BREWER: I'm sorry. That's correct. Two
5 separate things are going on. One is the annual
6 report, which I filed that they did not receive; and,
7 secondly, I want the certificate canceled because the
8 business is dormant, was never used.

9 Go ahead.

10 ADMINISTRATIVE LAW JUDGE HALOULOS: Okay.
11 Well, then why don't we do this: Why don't you send
12 a letter outlining this and explaining, you know,
13 when you got your certificate, what you've done or
14 have not done with it since then and expressing the
15 fact that you would like the certificate rescinded;
16 that you have no, you know, use for it. And you
17 would send that to the Illinois Commerce Commission
18 and then maybe -- Mr. Allen?

19 MR. ALLEN: Yes.

20 ADMINISTRATIVE LAW JUDGE HALOULOS: Is that
21 what you recommend that he do?

22 MR. ALLEN: As an alternative, I would suggest

1 that the present proceeding would result in the --

2 MR. BREWER: Revocation.

3 MR. ALLEN: -- revocation of the certificate;
4 so, you know, we could go ahead with this.

5 ADMINISTRATIVE LAW JUDGE HALOULOS: So there
6 wouldn't have to be a new docket opened up
7 specifically for the recision or revocation of it?

8 MR. ALLEN: Well, this would --

9 ADMINISTRATIVE LAW JUDGE HALOULOS: We could do
10 it in this docket?

11 MR. ALLEN: I think so because this would, you
12 know, result in the entry of an order revoking or
13 suspending the certificate of service authority, and
14 it sounds as though Mr. Brewer has no objection to
15 that result.

16 MR. BREWER: That's correct.

17 ADMINISTRATIVE LAW JUDGE HALOULOS: Okay. All
18 right. Well, then we'll -- Mr. Allen, you're
19 recommending that -- what's your recommendation as to
20 the status of this certificate?

21 MR. ALLEN: Yes. That -- I would note that the
22 staff report indicates that no annual report was

1 filed; and for those reasons, I would suggest that
2 the certificate of service authority be revoked on
3 the ground that the respondent no longer possesses
4 the necessary managerial resources and abilities to
5 provide the resale of telecommunication services in
6 Illinois.

7 ADMINISTRATIVE LAW JUDGE HALOULOS, and
8 Mr. Brewer, you currently have no customers in the
9 state of Illinois; correct?

10 MR. BREWER: That is correct. I never have.

11 ADMINISTRATIVE LAW JUDGE HALOULOS: Okay.
12 Well, then that will be the recommendation.

13 Anything further?

14 MR. BREWER: Nothing further from me.

15 MR. ALLEN: No, I don't have anything further.

16 ADMINISTRATIVE LAW JUDGE HALOULOS: Okay.
17 Well, we'll go off the record then.

18 HEARD AND TAKEN

19

20

21

22